

**BOARD OF APPEALS CASE NO. 5124**

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**BEFORE THE**

**APPLICANT: Donald G. Smith**

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**ZONING HEARING EXAMINER**

**REQUEST: Variance to allow an addition  
within the required rear yard setback;  
418 Trimble Road, Joppa**

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**OF HARFORD COUNTY**

**HEARING DATE: April 2, 2001**

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**Hearing Advertised**

**Aegis: 2/14/01 & 2/21/01**

**Record: 2/16/01 & 2/23/01**

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### **ZONING HEARING EXAMINER'S DECISION**

The Applicant, Donald George Smith, is requesting a variance pursuant to Ordinance 6, Section 10.05, to allow an addition within the 40 foot rear yard setback (38 feet existing) in an R3/CDP District.

The subject parcel is located at 418 Trimble Road, Joppa, Maryland and is more particularly identified on Tax map 65, Grid 3A, Parcel 712, Lot 11. The subject parcel consists of 0.19 acres±, is zoned R3/Urban Residential District and is entirely within the First Election District.

Mr. Donald George Smith appeared and testified that there is an existing 10 foot by 20 foot rear family room which he proposes to remove and replace with a 10 foot by 33 foot 2-story addition. The addition will replace the family room and enlarge the master bedroom. An additional bedroom is also planned. The witness stated that his property is unique. This a small lot and the original house was placed 36 feet from the street instead of the 25 feet commonly found in the neighborhood. This has reduced the buildable envelope of the rear yard significantly. The new structure will extend the same distance into the setback as the current structure which has existed since it was built in 1987. Until the Applicant applied for a building permit he was unaware there was a variance required. The witness did not feel any adverse impact would result from the construction. The properties to the rear of the subject parcel sit considerably lower than the Applicant's parcel.

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There were no persons appearing in opposition to the request. The Department of Planning and Zoning recommends approval, finding that “there are unique circumstances regarding this property. The builder located the dwelling 11.5 feet behind the minimum setback line, which greatly reduced the useable area of the rear yard.”

### **CONCLUSION:**

The Applicant is seeking a variance to the provisions of Ordinance 6, Section 10.05 to allow an addition within the 40 foot rear yard setback - 38 feet existing.

Harford County Code Section 267-11 permits variances and provides:

"Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest."

The Hearing Examiner concludes that the subject parcel is unique. The home is setback 11.5 feet further than other homes and this reduces the rear yard requiring the requested variance. The proposed structure will not encroach into the rear yard any further than the old structure which has existed since 1987 without adverse impact to neighboring properties. The Hearing Examiner recommends approval of the subject application subject only to the Applicant obtaining any and all required permits and inspections.

Date    MAY 7, 2001

William F. Casey  
Zoning Hearing Examiner